

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,**

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,**

Defendants.

**MCKESSON CORPORATION'S MOTION TO DISMISS OR FOR SUMMARY JUDGMENT ON
RES JUDICATA AND RELEASE GROUNDS**

Pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure, Defendant McKesson Corporation ("McKesson"), through its undersigned counsel, hereby moves for an order dismissing Plaintiffs' Corrected Joint and Third Amended Complaint for failure to state a claim upon which relief can be granted or, alternatively, for summary judgment on Plaintiffs' claims for the reasons set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss or for Summary Judgment on *Res Judicata* or Release Grounds.

Dated: March 13, 2020

MCKESSON CORPORATION

By Counsel

/s/ Jeffrey M Wakefield

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